

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID R. HUNTER,

Plaintiff,

and

HONORABLE PETE GREEN,
SECRETARY OF THE ARMY,

Defendant.

Case No.: 2:07-cv-14490

Honorable: AVERN COHN

MAG. JUDGE MONA K. MAJZOUN

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**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS, OR IN THE
ALTERNATIVE, FOR SUMMARY JUDGMENT**

NOW COMES Plaintiff, David R. Hunter (hereinafter "Mr. Hunter"), by counsel, and pursuant to Fed.R.Civ.P.12(b)(6) and Fed.R.Civ.P. 56, respectfully requests that this honorable Court deny Defendant's Motion to Dismiss, or in the alternative, For Summary Judgment, in its entirety. In support of this Response, Plaintiff submits that he timely exhausted applicable administrative remedies and that there are genuine issues of material fact. Moreover, discovery is in its infancy, and Plaintiff should be allowed to conduct the same. Therefore, Defendant is not entitled to a dismissal of any of Plaintiff's claims, or Summary Judgment as a matter of law. The grounds for Plaintiff's response are set forth with specificity in the attached supporting brief.

Respectfully submitted,

s/David A. Kotwicki
DAVID A. KOTWICKI, P.L.C.
By: David A. Kotwicki (P56070)
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Dated: March 7, 2008